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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/182,519	10/30/1998	LOUIS CAPORIZZO	GEN-020	2098

7590 05/16/2003

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1233 20TH STREET N W
SUITE 501
WASHINGTON, DC 20036

EXAMINER

BUI, KIEU OANH T

ART UNIT	PAPER NUMBER
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2611

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DATE MAILED: 05/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/182,519

Applicant(s)

CAPORIZZO ET AL.

Examiner

KIEU-OANH T BUI

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 02 April 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See the attachment.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: 8 and 9.

Claim(s) rejected: 1-7, 10-15 and 18-26.

Claim(s) withdrawn from consideration: _____.

8. ☒ The proposed drawing correction filed on 14 February 2003 is a) ☒ approved or b) ☐ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.

10. ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed on 4/02/03 have been fully considered but they are not persuasive.

Applicants basically argues in the After Final response that the Examiner renames "a summing circuit 62" to "a modulator" is improper by providing some definitions related to a RF modulator. However, in the specifications of this present application, the RF modulator 220 simply upconverts the video and audio signal components to an RF frequency, without ever describing any modulation at all, and provides the RF output to a television or other equipment (page 13, lines 11-14). In an exactly same manner, Robbins discloses that a summing circuit 62 to combine modulated video and audio signals and modulated NICAM signal to provide an RF output signal to a video appliance such as a television or video recorder (col. 4/lines 59-67). Although Robbins does not call item 62 as a modulator, but it serves a same function as a RF modulator in addition to the mixing function because if it does not doing so, it can not provide RF output signals to a television or a video recorder as disclosed. Therefore, the Examiner believes the consideration is valid as discussed.

With respect to claims 11, 18 and 23, Robbins does disclose a NICAM SAW filter, with the combination of a SAW filter 26 and NICAM filter 48 in processing NICAM signals to a television set (col. 2/lines 10-33). SAW filter 26 operates to separate the video signal portion (PIC IF) and the audio portion (SOUND IF) of the received NICAM television signal because the television signal carrying a NICAM digital audio subcarrier (col. 2/lines 64-67), and then, through a first mixer 32 and a second mixer 40, and with the help of a local oscillator 38 to down convert the NICAM signal to baseband video and audio signals and then to IF signals in 5.5MHz and 5.85 MHz or 6.0MHz and 6.552 MHz -- the SAW filter 26 does in fact separate the NICAM

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compressed digital stereo audio from the output of the tuner 12 (Robbins, col. 3/line 49 to col. 4/line 2), and that exactly the mixer 228 using a crystal oscillator 229 of the present application is doing in downconverts the NICAM signal component in getting a baseband NICAM IF frequency (page 14/lines 19-22 in the specifications); and a gain control amplifier with a mixer 60 serves a function of attenuating mixer harmonics from the downconverted NICAM signals via NICAM filter 48 and then provides a NICAM output signal to a summing circuit 62, acting as a RF modulator as discussed above, to provide RF outputs as shown in the Figure to the television set (see col. 4/lines 3-68).

Therefore, the Examiner disagrees with the arguments and stands with the disclosure and teachings of Robbins as disclosed in the Final Office Action and discussed herein.

Conclusion

2. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park 99, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).


3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krista Kieu-Oanh Bui whose telephone number is (703) 305-0095. The examiner can normally be reached on Monday-Friday from 9:00 AM to 6:00 PM, with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile, can be reached on (703) 305-4380.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Krista Bui
Art Unit 2611
May 06, 2003



VIVEK SRIVASTAVA
PATENT EXAMINER